

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 09-00121-01-CR-W-DGK
	)	
GILBERTO LARA-RUIZ,	)	
	)	
Defendant.	)	

**ORDER**

Pending before the Court are Defendant's Motion to Dismiss Indictment (Doc. 154), the Government's response (Doc. 156), Defendant's suggestions in support (Doc. 157) and United States Magistrate Judge John T. Maughmer's Report and Recommendation (Doc. 222). The Court has also reviewed the transcript from the hearing (Doc. 179).

After carefully reviewing the Magistrate's report and conducting an independent review of the record and applicable law, the Court hereby ORDERS that Magistrate Judge Maughmer's Report and Recommendation be ADOPTED. Defendant's Motion to Dismiss Indictment (Doc. 154) is hereby granted in part and denied in part. Counts One, Three, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, Twelve and Thirteen are dismissed. The motion is denied as to Counts Fourteen and Fifteen.

**IT IS SO ORDERED**

Date: February 7, 2011

/s/ Greg Kays  
GREG KAYS, JUDGE  
UNITED STATES DISTRICT COURT